IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

RP.No. 977 of 2007(A)

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AGAINST THE JUDGEMENT/ORDER IN WPC.15128/2007 Dated 25/09/2007

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: REVIEW PETITIONER/PETITIONER IN WP

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REJOY,
CHEERAN HOUSE, NEDUPUZHA, THRISSUR.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS: RESPONDENTS IN WPC

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1. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

2. THE REGIONAL TRANSPORT AUTHORITY,
THRISSUR, REPRESENTED BY ITS SECRETARY.

3. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, THRISSUR.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ANTONY DOMINIC, J.**

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**R.P. No. 977 of 2007**
**in**
**W.P(C)No.15128 of 2007 A**
**= = = = = = = = = = = = =**

**Dated this the 15th November, 2007**

**O R D E R**

The writ petition was dismissed by judgment dated 25-9-2007. The challenge in the writ petition was against Exts. P1 and P4 by which the application submitted by the petitioner for temporary permit was rejected by the RTA and the said rejection was confirmed by the Tribunal in Ext. P4 judgment.

2. The petitioner now submits that only a draft scheme has been notified and inspite of it, he is entitled to make application for temporary permit in terms of Section 99(2) of the Motor Vehicles Act, 1988. According to the petitioner, this was the issue that was raised and argued before both the RTA and the STAT, but, however, the same was not considered at the time when the impugned orders were issued by the aforesaid authorities. In fact, at the time when the writ

petition was taken up for hearing, though the petitioner wanted the liberty to make a fresh application for temporary permit that was declined for the reason that the route is a notified one.

3. Since the petitioner now contends that he is entitled to make application under Section 99 of the M.V. Act, I dispose of this review petition directing that irrespective of Exts. P1 and P4, it will be open to the petitioner to make fresh application for temporary permit in which event the 2nd respondent shall consider the same on its merit and pass orders thereon in accordance with law.

With this clarification, the Review Petition is disposed of.

**ANTONY DOMINIC**
**JUDGE**

jan/-